



GLENN A. GRANT, J.A.D.  
Acting Administrative Director of the Courts

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August 10, 2011

Allison Blake, Commissioner  
Department of Children and Families  
20 West State Street, 4th floor  
PO Box 729  
Trenton, NJ 08625-0729

Re: Interim Protocol for Sharing Adult Probation Records with DYFS

Dear Commissioner Blake:

This letter sets out an interim protocol for the sharing of certain adult Probation records with the Division of Youth and Family Services (DYFS) in the Department of Children and Families (DCF). The protocol is only interim in nature because the Judiciary and DYFS continue to work towards a comprehensive memorandum of agreement (MOA) concerning the sharing of information. The basis for this interim protocol is the fundamental principle underlying children in court proceedings – the protection of New Jersey's children in need.

The interim protocol was developed by Judiciary staff (Family Division, Probation Services Division, and Counsel's Office) with input from DCF and from the Attorney General's Office.

The most frequent DYFS requests for Probation records that the Judiciary receives are for records of an adult probationer who is involved in a DYFS proceeding. The probationer may be the defendant in a child abuse or neglect matter, a prospective guardian, or a resident in the household of a prospective guardian. Court proceedings involving DYFS (both before and after any court filings) are statutorily confidential and records relating to such proceedings are excluded from public access pursuant to R. 1:38-3(d)(12). Thus, while certain Probation records may be shared with DYFS pursuant to this interim protocol, those records by virtue of being part of the proceeding involving DYFS shall not be publicly available.

The specific records that Probation pursuant to this interim protocol will provide to DYFS upon request are the most recent or updated versions of the following:

- 1) Employment records
- 2) Adult school records

- 3) Drug test results
- 4) Payment records
- 5) Treatment service history (but not the actual provider records)
- 6) Statements of VOP (Violation of Probation) charges
- 7) Judgment of Conviction
- 8) Probationer's case plan
- 9) Home address
- 10) Work address

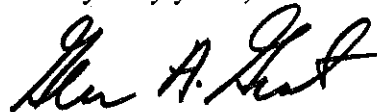
In order to maintain an accurate record of what was requested by DYFS and provided by Probation, we are asking that the local DYFS office complete the attached records request form when making such a request for adult probation records. If the DYFS request is for records or information not specifically listed on this form, DYFS should describe the records or information sought and state the justification for the request. In certain cases, DYFS may be asked to make a formal application to a judge for a protective order for release of the records.

Requesting adult Probation records in accordance with this interim protocol should in most cases obviate the need for the Deputy Attorney General representing DYFS to seek a court order for release of a probationer's file.

If the DYFS request is for juvenile Probation records, rather than adult records, DYFS should not complete the adult probation records request form, but rather should submit the request in narrative form to the Probation Division so that it can be forwarded to Counsel to the Administrative Director for review and response.

Any questions regarding this interim policy should be directed to Probation Services Assistant Director Kevin M. Brown at (609) 292-1589.

Very truly yours,



Glenn A. Grant

Attachment (Record Request Form)

c: Chief Justice Stuart Rabner  
Paula T. Dow, Attorney General  
Lauren Carlton, Assistant Attorney General  
Steven D. Bonville, Chief of Staff  
Robert W. Smith, Director, Trial Court Services  
Meryl G. Nadler, Counsel to the Administrative Director  
Kevin M. Brown, Assistant Director  
Harry T. Cassidy, Assistant Director  
R. Brian McLaughlin, Deputy Counsel  
Gurpreet M. Singh, Special Assistant  
Joanne M. Dietrich, Chief  
John Pizarro, Chief  
Pearl Ann E. Hendrix, Administrative Specialist



New Jersey Judiciary  
**DYFS Request for Adult  
Probation Division Records  
Confidential**

Request Date

Request Needed By

Preferred Delivery

- ☐ Pick Up ☐ US Mail  
☐ Fax  
☐ Courier / Messenger  
☐ On Site Inspection

**Part A: DYFS Requester Identification**

Last Name		Middle Initial	First Name	
Job Title	Supervisor		Daytime Telephone (Include area code) ext.	
DYFS Office Address			Fax (Include area code)	
City	State	Zip Code	Email (optional)	

**Part B: DYFS Case Identification**

Case Name	NJ Spirit Number	
Court docket number(s)	Date of next court proceeding	Judge's Name

**Part C: Type of Record(s) Requested**

Party whose records are sought is a (select one):

☐ DYFS Defendant / ☐ Potential Resource Parent / ☐ Other Adult in Resource Home

Party's Birth Date

Last 4 digits of Party's Social Security Number

The Judiciary will ordinarily disclose to DYFS upon request the most recent version of the following records or information regarding a probationer who is a party to a DYFS proceeding or a resident in a household where a child may be placed.

Please check all that apply:

- |  |  |
|--|--|
| <input type="checkbox"/> Employment records  | <input type="checkbox"/> Statements of VOP charges |
| <input type="checkbox"/> Adult school records  | <input type="checkbox"/> Judgment of Conviction    |
| <input type="checkbox"/> Drug test results   | <input type="checkbox"/> Probationer's case plan   |
| <input type="checkbox"/> Payment records   | <input type="checkbox"/> Home address              |
| <input type="checkbox"/> Treatment service history (but not the actual provider records) | <input type="checkbox"/> Work address              |

Other: If DYFS is requesting records other than those listed above, please describe the records being requested, and explain why DYFS needs these records.

I certify that I am requesting the adult Probation records in question solely for official DYFS purposes related to the above-referenced case.

I further certify that DYFS will keep all records confidential pursuant to R. 1:38-3(d)(12), R. 5:13-8 and N.J.S.A. 9:6-8.10a. and any other applicable statutes or court rules, and shall take all reasonable steps to safeguard the confidentiality of the same, including, but not limited to, seeking an appropriate protective order from the court when necessary.

Signature: x

**For Judiciary Use Only**

Disposition <input type="checkbox"/> Delivered <input type="checkbox"/> Denied <input type="checkbox"/> Unavailable	Disposition Date
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If request is denied or records are unavailable, explain here: